

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

Whole Woman's Health, et al.,

Plaintiffs,

v.

Austin Reeve Jackson, et al.,

Defendants.

Case No. 1:21-cv-00616-RP

DEFENDANTS' NOTICE TO THE COURT

The notice of appeal that the defendants filed last night has automatically divested this Court of jurisdiction under the binding precedent of the Fifth Circuit. *See Williams v. Brooks*, 996 F.2d 728, 730 (5th Cir. 1993); *Weingarten Realty Investors v. Miller*, 661 F.3d 904, 908 (5th Cir. 2011); Dkt. 84. If this Court does not cancel the preliminary-injunction hearing set for August 30, 2021, and vacate all deadlines by close of business today, the defendants will seek emergency relief from the court of appeals.

Dated: August 26, 2021

Respectfully submitted.

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN E. COWLES
Deputy Attorney General for Civil Litigation

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
Texas Bar No. 24075463
Mitchell Law PLLC
111 Congress Avenue, Suite 400
Austin, Texas 78701
(512) 686-3940 (phone)
(512) 686-3941 (fax)
jonathan@mitchell.law

*Counsel for Defendant
Mark Lee Dickson*

THOMAS A. ALBRIGHT
Chief, General Litigation Division

/s/ BENJAMIN S. WALTON
BENJAMIN S. WALTON
Texas Bar No. 24075241
benjamin.walton@oag.texas.gov
CHRISTOPHER D. HILTON
Texas Bar No. 24087727
christopher.hilton@oag.texas.gov
HALIE DANIELS
Texas Bar No. 24100169
Halie.Daniels@oag.texas.gov
Assistant Attorneys General
General Litigation Division
BETH KLUSMANN
Texas Bar No. 24036918
beth.klusmann@oag.texas.gov
NATALIE D. THOMPSON
Texas Bar No. 24088529
Natalie.Thompson@oag.texas.gov
Assistant Solicitors General
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2120 (phone)
(512) 320-0667 (fax)

Counsel for State Defendants

/s/ Heather Gebelin Hacker
HEATHER GEBELIN HACKER
Texas Bar No. 24103325
ANDREW B. STEPHENS
Texas Bar No. 24079396
Hacker Stephens LLP
108 Wild Basin Road South, Suite 250
Austin, Texas 78746
(512) 399-3022 (phone)
heather@hackerstephens.com
andrew@hackerstephens.com

*Counsel for Defendant Penny
Clarkston*

CERTIFICATE OF SERVICE

I certify that on August 26, 2021, I served this document by CM/ECF upon:

CHRISTEN MASON HEBERT
Johns & Hebert PLLC
2028 East Ben White Blvd
Suite 240-1000
Austin, Texas 78741
(512) 399-3150
chebert@johnshebert.com

Counsel for all Plaintiffs

MARC HEARRON
Center for Reproductive Rights
1634 Eye Street, NW, Suite 600
Washington, DC 20006
(202) 524-5539
mhearron@reprorights.org

MOLLY DUANE
KIRBY TYRRELL
MELANIE FONTES
Center for Reproductive Rights
199 Water Street, 22nd Floor
New York, New York 10038
(917) 637-3631
mduane@reprorights.org
ktyrrell@reprorights.org
mfontes@reprorights.org

JAMIE A. LEVITT
J. ALEXANDER LAWRENCE
Morrison & Foerster LLP
250 West 55th Street
New York, New York 10019
(212) 468-8000
jlevitt@mofo.com
alawrence@mofo.com

*Counsel for Whole Woman's Health,
Whole Woman's Health Alliance, Marva
Sadler, Southwestern Women's Surgery
Center, Allison Gilbert, Brookside*

JULIE MURRAY
RICHARD MUNIZ
Planned Parenthood Federation of America
1110 Vermont Avenue, NW Suite 300
Washington, DC 20005
(202) 973-4997
julie.murray@ppfa.org
richard.muniz@ppfa.org

*Counsel for Planned Parenthood of
Greater Texas Surgical Health Services,
Planned Parenthood South Texas
Surgical Center, Planned Parenthood
Center for Choice, and Bhavik Kumar*

JULIA KAYE
BRIGITTE AMIRI
CHELSEA TEJADA
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, New York 10004
(212) 549-2633
jkaye@aclu.org
bamiri@aclu.org
ctejada@aclu.org

LORIE CHAITEN
American Civil Liberties Union Foundation
1640 North Sedgwick Street
Chicago, Illinois 60614
(212) 549-2633
rfp_lc@aclu.org

ADRIANA PINON
DAVID DONATTI
ANDRE SEGURA
ACLU Foundation of Texas, Inc.
5225 Katy Freeway, Suite 350
Houston, TX 77007
(713) 942-8146 (phone)
(713) 942-8966 (fax)

*Women's Medical Center PA d/b/a
Brookside Women's Health Center and
Austin Women's Health Center, Alamo
City Surgery Center PLLC d/b/a Alamo
Women's Reproductive Services, Houston
Women's Reproductive Services, Daniel
Kanter, and Erika Forbes,*

STEPHANIE TOTI
Lawyering Project
41 Schermerhorn Street #1056
Brooklyn, New York 11201
(646) 490-1083
stoti@lawyeringproject.org

RUPALI SHARMA
Lawyering Project
197 Pine Street, Apt. 23
Portland, Maine 04102
(908) 930-6445
rsharma@lawyeringproject.org

*Counsel for The Afiya Center, Frontera
Fund, Fund Texas Choice, Jane's Due
Process, Lilith Fund for Reproductive
Equity, North Texas Equal Access Fund*

ANDREW B. STEPHENS
HEATHER GEBELIN HACKER
Hacker Stephens LLP
108 Wild Basin Road South, Suite 250
Austin, Texas 78746
(512) 399-3022 (phone)
andrew@hackerstephens.com
heather@hackerstephens.com

Counsel for Defendant Penny Clarkston

apinon@aclutx.org
ddonatti@aclutx.org
asegura@aclutx.org

Counsel for Houston Women's Clinic

BENJAMIN S. WALTON
CHRISTOPHER D. HILTON
HALIE DANIELS
Assistant Attorneys General
General Litigation Division
BETH KLUSMANN
Assistant Solicitor General
NATALIE THOMPSON
Assistant Solicitor General
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2120 (phone)
(512) 320-0667 (fax)
benjamin.walton@oag.texas.gov
christopher.hilton@oag.texas.gov
halie.daniels@oag.texas.gov
beth.klusmann@oag.texas.gov
natalie.thompson@oag.texas.gov

Counsel for State Defendants

/s/ Jonathan F. Mitchell
JONATHAN F. MITCHELL
*Counsel for Defendant
Mark Lee Dickson*